

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

SANDRA THIESS
105 Chesley Avenue
Baltimore, Maryland 21206

Plaintiff

CASE NO:

vs.

RIYA PARIKH MEMPHIS, LLC
624 Fawn Circle
King of Prussia, PA 19406

SERVE ON:
REGISTERED AGENT
Chirag Patel
2240 Democrat Road
Memphis, TN 38132

Defendant

* * * * *

COMPLAINT AND PRAYER FOR JURY TRIAL

The Plaintiff, SANDRA KAY THIESS, by and through her attorneys, Brian Bennett and the Law Offices of Terziu & Bennett, file this Complaint and Prayer for Jury Trial and, in support thereof, states as follows:

1. This Court has jurisdiction over this action pursuant to 28 U.S.C. 1332, and other proper statutes of the United States, based upon the diversity of citizenship between the parties.

2. The Plaintiff, SANDRA KAY THIESS, is a resident of Baltimore County, Maryland. The Defendant, Riya Parikh Memphis, LLC is a company doing business in Memphis, Tennessee; specifically at 2400 Democrat Road, Memphis,

Tennessee 38118 and d/b/a Holiday Inn Select Memphis Airport Hotel.

3. This action involves an incident occurring on premises operated and controlled by the Defendant, Riya Parikh Memphis, LLC, which was being operated and used by the Defendant for the purpose of conducting business as a hotel and restaurant.

4. The premises occupied, operated and controlled by the Defendant, Riya Parikh Memphis, LLC, are located in Memphis, Tennessee, specifically 2400 Democrat Road, Memphis, Tennessee 38118.

STATEMENT OF FACTS

5. The incident, which is the subject matter of this action, occurred on the premises d/b/a Holiday Inn Select Memphis Airport Hotel and further located at 2400 Democrat Road, Memphis, Tennessee, 38118.

6. On or about August 13, 2010, the Plaintiff, SANDRA KAY THIESS, was carefully and prudently entering the main lobby of the Defendant's hotel and restaurant, from its parking lot, and as she was crossing the threshold of the lobby just past the automatic door and lobby entrance way, just beyond the vestibule area, the Plaintiff was caused to slip and fall upon a clear and wet substance; a substance which the Plaintiff subsequently learned and believed to have been water having condensed from a leaky air conditioning unit located near the scene of her fall; the substance being invisible and camouflaged to the Plaintiff's view prior to her

fall, but which was caused to accumulate by the agents, servants, and/or employees of the Defendant in the area in and around the said lobby entrance way.

7. As a result of her fall, the Plaintiff was caused to strike the ground, thereby causing the Plaintiff severe personal injury.

8. Upon information and belief, the Defendant was responsible for the installation, care and maintenance of the air conditioning units located at 2400 Democrat Road, Memphis, Tennessee 38118, including the maintenance, care and repair of the entire hotel and its lobby and entrance way, which caused the Plaintiff to trip and fall and sustain personal injury.

9. At the time of the incident, the Plaintiff, SANDRA KAY THIESS, was a business invitee of the Defendant and was properly upon their premises.

10. The Plaintiff, SANDRA KAY THIESS, was injured as the subject substance on the floor of the lobby entrance way lay invisible and camouflaged from her view and, thus, constituted a dangerous condition and slipping hazard.

11. Prior to the incident, the Plaintiff was intent upon entering the Defendant's premises and restaurant for the purpose of purchasing lodging at its hotel.

12. The Plaintiff, SANDRA KAY THIESS, has suffered damages as a result of the Defendant's negligence and/or inaction.

13. Plaintiff's damages include but are not limited to

the loss of income, the loss of future earning capacity, grief, mental anguish, emotional distress, loss of quality of life, and other losses.

STATEMENT OF NEGLIGENCE

14. The accident was caused by the recklessness, carelessness and negligence of the Defendant, Riya Parikh Memphis, LLC, and its agents, servants and/or employees.

15. At all times relevant hereto, the Defendant, Riya Parikh Memphis, LLC, provided for the use of its customers and invitees, including the Plaintiff, the premises described and had exclusive control and management of said premises, including the lobby entrance way at issue.

16. The Defendant, Riya Parikh Memphis, LLC, had a legal duty to keep its premises and its lobby entrance way, in a reasonably safe condition for use by its customers and invitees, including the Plaintiff, and to exercise reasonable care to discover, correct or warn customers and invitees, including Plaintiff, of any danger, hazards or defective conditions existing upon said premises.

17. The Defendant, Riya Parikh Memphis, LLC, was negligent in that they:

a. Allowed a dangerous condition to exist on the premises used by customers and invitees, including the Plaintiff;

b. Failed to warn Plaintiff of the dangerous condition;

c. Failed to exercise reasonable care to discover and correct said dangerous condition existing upon the premises;

d. Allowed its employee(s), agent(s) and servant(s) to engage in active negligence without proper supervision or assistance;

e. And in other respects operated, managed and controlled the premises in a careless, dangerous and negligent manner under the circumstances then and there existing.

18. That the Defendant, Riya Parikh Memphis, LLC, knew or should have known of said dangerous, hazardous and defective condition existing upon said lobby entrance way and failed to act within a reasonable time thereafter to correct said dangerous condition.

COUNT I
(Negligence-Premises)

Plaintiff, SANDRA KAY THIESS, realleges, reaffirms and incorporates by reference the hereinabove allegations of fact and sues the Defendant, Riya Parikh Memphis, LLC, and states:

19. As a direct and proximate result of the negligence and carelessness of the Defendant, the Plaintiff, SANDRA KAY THIESS:

a. Suffered serious, painful and possibly permanent bodily injuries, great physical pain and mental anguish, severe and substantial emotional distress and loss of the capacity for the enjoyment of life;

b. Was, is and will be required to undergo medical

treatment and to incur medical costs and expenses in order to alleviate her injuries, pain and suffering;

c. Was and is precluded from engaging in her normal activities and pursuits;

d. Suffered lost wages;

e. And otherwise was hurt, injured and caused to sustain losses.

20. All of the Plaintiff's losses were are and will be due solely and by reason of the recklessness, carelessness and negligence of the Defendant.

21. None of the Plaintiff's losses were due to any negligence or want of due care on her part contributing to them.

WHEREFORE, the Plaintiff, SANDRA KAY THIESS, sues the Defendants, Riya Parikh Memphis, LLC, and demands Five Hundred Thousand Dollars (\$ 500,000.00) damages.

Brian Bennett

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Attorney for Plaintiff

DEMAND FOR JURY TRIAL

The Plaintiff demands a jury trial in this action.

Brian Bennett